

MAY 30 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEROY SBRUSCH,

Defendant - Appellant.

No. 04-30163

D.C. No. CR-03-00087-aka-JKS

ORDER AND MEMORANDUM

*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEROY SBRUSCH,

Defendant - Appellant.

No. 04-30169

D.C. No. CR-03-00087-2-a-JKS

Appeal from the United States District Court
for the District of Alaska
James K. Singleton, District Judge Presiding

Argued July 12, 2005
Submitted May 25, 2006

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Before: GOODWIN, BRUNETTI, and W. FLETCHER, Circuit Judges.

The above captioned case is **RESUBMITTED**.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Leroy Sbrusch filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Sbrusch subsequently filed a pro se affidavit, which we construe as his pro se supplemental opening brief. 9th Cir. R. 4-1(c)(6). The government declined to file an answering brief. *Id.*

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief.

Accordingly, counsel's motion to withdraw is **GRANTED**, and Sbrusch's convictions and sentence are **AFFIRMED**.